

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

FAIR ISAAC CORPORATION, a Delaware corporation,)	
)	
)	
Plaintiff,)	
)	Case No. 16-cv-1054 (WMW/DTS)
v.)	
)	
FEDERAL INSURANCE COMPANY, an Indiana corporation, and ACE AMERICAN INSURANCE COMPANY, a Pennsylvania corporation,)	Jury Trial Demanded
)	
)	
Defendants.)	

THIRD JOINT MOTION TO AMEND PRETRIAL SCHEDULING ORDER

Plaintiff Fair Isaac Corporation (“FICO”) and Defendants Federal Insurance Company (“Federal”) and ACE American Insurance Company (“ACE”) hereby jointly move the Court, pursuant to Fed. R. Civ. P. 16(b)(4) and D. Minn. L.R. 16.3, for an Order extending the deadlines set forth in the Court’s Second Amended Pretrial Scheduling Order (Dkt. No. 111). Fact discovery is currently pending and is set to close October 31, 2018. Expert discovery has not yet begun.

Good cause exists to grant the present Motion for several reasons. First, Federal continues to search for documents responsive to FICO’s document requests and information responsive to FICO’s interrogatories. That process is not yet complete.

Second, while several fact depositions have been taken, others are scheduled and remain to be scheduled. Due to witness availability, these depositions cannot be completed by October 31. In addition, Federal has requested additional documents and information following the depositions of certain FICO witnesses. That process is not yet complete.

Third, the parties have not begun written discovery directed to ACE, a newly-added party. The Court granted FICO's amended unopposed motion to amend on September 6, 2018. (Dkt. 130; 131.) The Second Amended Complaint added ACE as a party to the lawsuit and added an additional Count against Federal. (Dkt. 132.) FICO served ACE on September 13, 2018. (Dkt. 136.) Federal and ACE filed their Answer and Counterclaims on October 10, 2018, and FICO's Answer to the Counterclaims is due on October 31, 2018. As explained in the memorandum in support of FICO's initial motion to amend (Dkt. 117), a focused and relatively small set of interrogatories and document requests may be required from ACE to discover the full extent of ACE's use of FICO's Blaze Advisor® software. Additional depositions will be taken. This written discovery cannot be completed until after discovery is set to close on October 31, 2018.

ACCORDINGLY, the parties hereby move, by and through their undersigned counsel, for a 90-day extension of the deadlines in the Second Amended Pretrial Scheduling Order, as set forth in the redlined proposed Third Amended Pretrial Scheduling Order filed concurrently herewith.

Dated: October 11, 2018

Respectfully submitted,

MERCHANT & GOULD P.C.

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